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FACSIMILE COVER SHEET

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TO: Mail Stop Amendment
U.S. Patent and Trademark Office

FACSIMILE NUMBER: (703) 872-9306

FROM: Donna M. Ferber

RE: USSN 10/049,137
Docket No. 85-02

If transmission is unclear, please telephone (303) 499-8080 immediately and ask for Marilyn

COMMENTS:

See attached Response to Notice of Noncompliant Amendment (37 CFR 1.121) for filing.

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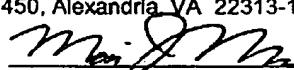
Appl. No. : 10/049,137 Confirmation No.: 8261
Applicant : Ogas et al.
Filed : June 3, 2002
Group Art Unit: 1638
Examiner : Ashwin D. Mehta
For : METHODS AND COMPOSITIONS FOR REGULATING
DEVELOPMENTAL IDENTITY
Docket No. : 85-02
Customer No. : 23713

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, along with any other document referred to as being attached or enclosed, is being filed via facsimile to facsimile number 703-872-9306, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4/15/05

Date



Marilyn J. Morris

RESPONSE TO NOTICE OF NONCOMPLIANT AMENDMENT (37 C.F.R. 1.121)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, 23313-1450

Sir:

In response to the Notice of Noncompliant Amendment mailed April 4, 2005, Applicants respectfully elect (with traverse) the claims of Group I for examination. Reconsideration of the requirement for restriction and favorable review of the following remarks, repeated from the Response filed December 7, 2004, is respectfully requested.

The Patent Office has required restriction under 35 U.S.C. 121, alleging that each of the following claims groups constitute patentably distinct inventions

Application No. 10/049,137
Reply to Notice of Non-Compliant Amendment (37 CFR 1.121) dated 4/4/05

- I. Claims 1-38, 55-75, 77-79, first method of transforming a host cell with a nucleic acid molecule encoding a protein having at least one chromo domain, a helicase domain, and a DNA binding domain and a first product.
- II. Claims 38-54, 76, second method of transforming a host cell with a nucleic acid molecule encoding a protein having at least one chromo domain, a helicase domain, and a DNA binding domain, and a second product, a transgenic plant comprising said antisense DNA or RNA molecule.
- III. Claims 80-83, third product, recombinant protein.

It has been alleged that the claims groups do not relate to a single general inventive concept under PCT Rule 13.1; they lack the same or corresponding special technical features because the special feature of the first group is introducing a nucleic acid molecule into a host cell, the second group involves introducing an antisense molecule, and the third claims group involves a recombinant protein.

Applicants respectfully note that the claims of Groups I and II are linked in that they take advantage of the particular coding sequence(s) related to developmental regulation. Groups I and II use the sense and antisense of the sequence(s), respectively, and Group III relates to the protein encoded by the coding sequence of the invention. Rejoinder is requested. However, Applicants elect the claims of Group I for examination with traverse, as discussed above.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.